

Bill seeks to stop 'impostor' musicians

Measure would bar use of famous names without credible link

"Even I am flabbergasted at the breadth of this. It involves a lot of group names and it happens around the country."

By TIM MARTIN
Associated Press

Jon "Bowzer" Bauman
former member of the group Sha Na Na

Bands that critics call "impostor" music groups would have to play a different tune if legislation set for a hearing in a state Senate committee this week becomes law.

The bill is designed to stop touring groups from using names of famous recording acts unless they meet certain criteria, such as having at least one member of the original band.

The Vocal Group Hall of Fame, based in Sharon, Pa., says several bands have toured the nation under

names of recording groups from the 1950s and '60s — often without a legitimate connection.

A hall of fame committee exploring the issue says that isn't fair to customers, who often don't know that the band they are watching perform isn't the real deal.

The band names most often cited by critics are The Drifters, The Coasters and The Platters. They were well-known acts in the era before TV and video made performers more visually recognizable to their fans.

Pennsylvania, Connecticut and Illinois are among the states that have passed what is called "truth in music" legislation in response.

The debate comes to Michigan this week.

A bill sponsored by Sen. Martha Scott, a Democrat from Highland Park, is scheduled for a hearing Tuesday in the Senate Judiciary Committee.

The issue was brought to Scott's attention by Mary Wilson, who was a member of the Supremes. Another leading advocate of the effort is Jon "Bowzer" Bauman, a former member of the group Sha Na Na.

"I have been following this issue for a lot of years," said Bauman, who plans to testify in Michigan on Tuesday.

"Even I am flabbergasted at the breadth of this. It involves a lot of group names, and it happens around the country."

Some of the touring acts may feel they have a legitimate right to use the names, but critics such as Bauman dispute that. The Michigan bill would specify the conditions under which they could use a band name.

It would be OK to use a recording group name if the perform-

ers have the name trademarked. It also would be permissible if the performing group includes at least one band member who was in the recording group with a legal right to use the name.

Tribute or salute performances also would be allowed if the concert is advertised in that manner.

It would be against the law to advertise or conduct a musical performance with the use of a "false, deceptive, or misleading affiliation" between a performing group and a recording group.

The state attorney general could sue to stop a planned performance, and "persistent and knowing" violations could result in fines.

"First and foremost, this is for customers' protection," Bauman said. "It also will help protect the real pioneers of this music."

Also in the state Legislature this week, both the House and Senate are expected to continue working toward agreements on the budget for the fiscal year that begins Oct. 1.

Budget bills are expected to wind up in conference committees where House and Senate members can iron out their differences. The Legislature also will have to compromise with Gov. Jennifer Granholm to come



Scott



Wilson

TESTIMONY GIVEN BY JON BAUMAN, FORMERLY OF SHA NA NA, BEFORE THE NEW JERSEY LEGISLATURE

Senator Gill and Members of the Committee,

How can this happen in America? In a sophisticated form of identity theft, impostor groups are duping consumers and stealing the names, the remuneration, and the legacy of the pioneers of Rock 'n' Roll.

I'm Jon Bauman, best known for my alter ego "Bowzer", formerly of Sha Na Na and currently of Bowzer's Rock 'n' Roll Party, but I'm here today to speak in support of S310 in my capacity as Chairman of the Truth In Music Committee at the Vocal Group Hall of Fame. We have succeeded in passing a similar bill in five states so far, including PA, CT and IL, with 4 more states having passed one legislative chamber at this time —NY, MA, MI AND DE. We are fully sponsored in 5 additional states: FL, CA, NV, VA and ME and expect to have passed half the country by the end of 2007.

But today we address the most important state of all-- New Jersey. Most important because, sadly, New Jersey has more impostor group activity than any other state in the union. As we speak, one of the most egregious violators, a package of so-called Drifters, Coasters and Platters without an authentic member in any of the groups or a legitimate claim to any of the names, prepares to perform in Atlantic City for yet another 2-week stint of trying to put one over on the public.

Listen to what a member of one of the impostor groups said in a 2005 interview with the Newark Star Ledger: "We always had one rule that governed what we'd record and what we wouldn't. Ever hear of a song called Charlie Brown? Did you know that was one of ours?" This from someone who never sang one note on a Coasters record, and in fact has never met anyone who did. He went on to say: "Fun is when The Coasters and The Platters and The Drifters get together on the same stage. On top of everything else, it's reunion time!" It's a reunion all right, since these impostors work together all the time, and often switch from one group to another. It's a reunion of phonies.

Existing law has been manipulated in various ways for around 20 years and these impostors have continued. S310 will finally put an end to them.

Simply put, S310 addresses live performance and states that you need to have an authentic member of the recording group on stage in the group that's performing that night, unless you have a valid federally registered trademark or you clearly advertise as a tribute or a salute.

This law will finally protect New Jersey concert-goers from being duped by impostors and the unscrupulous promoters who foist them on the public without revealing who they truly are. Or, I should say, who they truly aren't!

On a personal note, I've been really lucky. Ever since my old group Sha Na Na began the Rock 'n' Roll revival, I've lived my childhood as an adult. When I was growing up, I adored that new kind of music, especially the street corner Doo-Wop sound. I've met almost every one of my childhood idols, the people who sang those songs. I'm honored to call them my friends. But I've seen so many of them suffer while impostors take their livelihood and, what's worse, their glory. If you want a gut-wrenching experience, try watching a baby boomer audience leap to its feet at the end of an impostor group show. The audience so clearly thinks its honoring the body of work, the legacy, the deep pleasure this music has given them since their youth, the way this music brought races together in America and helped change the world. And they don't even know they're applauding the wrong people! Come to think of it, you may have been in one of those audiences and been duped yourself. How can this happen in America?

Please support S310. Thank you.

So in the immortal words of The Silhouettes, for the benefit of the concert-going public and the authentic artists themselves, impostor groups and those who promote them need to:

“Yip-Yip-Yip-Yip-Yip-Yip-Yip-Yip Boom-Boom-Boom-Boom-Boom-Boom-

GET A JOB!”

Some of our most loyal fans, consumers who love this music, are here today, because it's they who have truly been most ripped off by impostor groups. It's the consumer who has plunked down his hard-earned entertainment dollar only to be deceived by phonies who fail to divulge that they have no real connection to the authentic artists.

The Philadelphia Inquirer

Subscriber Services

philly.com

THE REGION'S HOME PAGE



Current: 63°

Severe
Weather

Complete Forecast

The Philadelphia Inquirer

The Inquirer has a Great Gift
Idea for You

The Philadelphia Inquirer

The Inquirer has a Great Gift
Idea for You

Celebrities urge N.J. to outlaw impostor acts

By Angela Delli Santi
Associated Press

TRENTON - Original members of the bands Sha Na Na and the Drifters urged New Jersey lawmakers yesterday to penalize impostors who perform in Atlantic City and elsewhere as members of famous oldies bands.

"In a sophisticated form of identity theft, impostor groups are duping consumers and stealing the names, the remuneration and the legacy of the pioneers of rock-and-roll," Jon Bauman, formerly "Bowzer" of Sha Na Na, told legislators.

New Jersey is among more than a dozen states considering measures to criminalize impostors' acts.

The New Jersey measure would make it a violation of the Consumer Fraud Act for any person to advertise or perform using the name of a famous band without having at least one original member. Fines would range from \$10,000 to \$20,000 under a bill that cleared the Senate Commerce Committee yesterday and is scheduled for a hearing early next month in the Assembly.

Pennsylvania, Connecticut and Illinois all passed similar legislation this year, and North Carolina and South Dakota have weaker versions of the law on their books, said Bob Crosby, president of the Vocal Group Hall of Fame, an advocacy group.



One of the most exploited musicians, Charlie Thomas of the Drifters, choked back tears as he told the panel that impostors had robbed him financially and cashed in on his fame.

"It's a hurtin' thing to come in front of you and ask for help," Thomas said. "This is my lifeline. This is music that I love."

The Drifters recorded such hits as "On Broadway," "Up on the Roof" and "Save the Last Dance for Me."

Lawyer Cindy Salvo said she would file a contempt motion today in federal court in Newark against a music promoter who was ordered in 1999 to stop using the Drifters' name to promote acts he represents.

Salvo, who represents Faye Treadwell, a former Drifters manager and owner of the band's trademark, said the Drifters' name continues to be exploited.

SUBSCRIBE TODAY		SUBSCRIBE TODAY	
	Enjoy the convenience of home delivery.		Enjoy the convenience of home delivery.

June 6, 2006

Dear Jon,

One main reason for the new truth in performing law is due to the fact that conventional TM Law does not properly protect a consumer when they purchase a ticket for a live performance.

With regard to conventional TM Law, a consumer can see and hopefully make an informed decision prior to purchasing an unauthorized product.

With regard to a live performance, the consumer does not know that he has purchased a ticket for an unauthorized group until after the consumer is sitting in the audience.

The unauthorized musical groups need to be stopped in the same manner as counterfeit merchandise is stopped because of actual fraud being committed on the consumer.

With best regards,

James Slattery

BKSB, Falls Church, VA; jms@bksb.com